

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 24-80007-CIV-CANNON/McCabe

HOWARD COHAN,

Plaintiff,

v.

NARBONA AT BOCA RATON, LLC,

Defendant.

**ORDER ACCEPTING IN PART AND REJECTING IN PART MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

THIS CAUSE comes before the Court upon the Report and Recommendation issued by Magistrate Judge Ryon M. McCabe on Plaintiff's Motion for Attorneys' Fees and Costs (the "Report") [ECF No. 17]. The Report recommends that the Court grant in part Plaintiff's motion [ECF No. 15] and award Plaintiff a fee and cost award totaling \$5,149.50, which includes \$1,500 for an expert hired to assess ADA violations prior to suit [ECF No. 17]. Defendant failed to respond to the Motion within the time permitted by law. Further, no party has filed objections to the Report, and the time to do so has expired.¹

Fully advised in the premises, the Court agrees with the majority of the Report but respectfully finds clear error on the issue of payment to the expert. As the Report indicates, "the Motion fails to explain the expert's credentials or the amount of time spent by the expert on each task" [ECF No. 17]. The Motion also "lacks proof that Plaintiff ever paid the expert, as the invoice


¹ Plaintiff filed a Notice indicating that he does not intend to file objections to the Report [ECF No. 18]. The Court previously mailed all default-judgment-related Orders to Defendant at the address on file [ECF Nos. 9, 12, 17]. Defendant has not appeared.

CASE NO. 24-80007-CIV-CANNON/McCabe

indicates that payment is due only upon ‘settlement of case’” [ECF No. 17 p. 6]. Under these circumstances—without proper documentation supporting the expert’s credentials, the specific work performed (with detailed records of hours, etc.), and the actual payment to the expert—the Court sees a clearly insufficient basis to approve the \$1,500 requested payment. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 17] is **ACCEPTED IN PART AND REJECTED IN PART**.
2. Plaintiff’s Motion for Attorneys’ Fees and Costs [ECF No. 15] is **GRANTED IN PART AND DENIED IN PART** for the reasons stated in the Report and further explained and narrowed herein.
3. Plaintiff is awarded attorneys’ fees and costs in the amount of **\$3,649.50** [ECF No. 17].

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 25th day of July 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record